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CURRENT LEGAL LITERATURE ON THREE ASPECTS OF ECOLOGY: AIR, NOISE, AND WATER POLLUTION. A Selected and Partially Annotated Bibliography, 1969-1974

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CURRENT LEGAL LITERATURE ON THREE ASPECTS OF ECOLOGY: AIR, NOISE, AND WATER POLLUTION

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Bibliography, 1969-1974

by

Sherie Ann Abbasi

PREFACE

The 1970's which to social historians may well be known as the Decade of Environmental Concern began appropriately enough with the signing of the National Environmental Policy Act of 1969, commonly known as NEPA, on January 1, 1970. While not the first Federal statute dealing with environmental matters, NEPA is the broadest in scope evincing a sincere Congressional concern with ecological problems. This bibliography will guide the user to the pertinent publications that have appeared in the field of air, noise, and water pollution control between 1969 and 1974.

While not confined exclusively to legal publications, this bibliography is designed primarily for lawyers in the practice of environmental law, a rapidly developing field, but is useful for technical information specialists and researchers in ecological matters. Included are materials dealing with regulations and other official issuances as the application of administrative laws ranks with equal importance to that of case law in the evolution of environmental control precedents.

The compiler of this bibliography has been employed for the past three years as a Legal Publications Writer-Editor in the Office of the Chief Counsel of the Federal Highway Administration which is responsible for the Federal-Aid Highway Program. The Office of the Chief Counsel is deeply involved in environmental law having had responsibility for the defense of more than one hundred lawsuits filed by various persons and groups interested in ecology. Her duties have consisted of participating in that work by preparing regulatory material in the environmental field for publication in the Federal Register and of classifying and maintaining such material so that it is readily accessible.

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Advisory Commission on Intergovernmental Relations. The Quest for Environmental Quality, Federal and State Action, 1969-70. Washington, D.C.: U.S. Government Printing Office, 1971.

American Bar Association. National Institute on Law of the Environment. Workshop sponsored by the Section of Natural Resources Law held on November 1-2, 1973 in Washington, D.C.

This looseleaf handout to participating members of the workshop includes in Part 2 - "Air Quality Control in the 70's," in Part 3 - "Water Quality Control: The Federal Water Pollution Control Act Amendments of 1972," and in Part 5 - "The Urban Environment: Noise and Transportation."

Anderson, Frederick R. NEPA in the Courts: A Legal Analysis of the National Environmental Policy Act. Washington, D.C.: Resources for the Future, 1973.

The author gives an in-depth analysis of various legal issues raised in NEPA suits. He discusses the different court holdings as to each defense and allegation raised in NEPA suits from numerous cases filed against Federal agencies. A good reference work for anyone becoming involved in NEPA cases.

Andrews, William A., ed. A Guide to the Study of Environmental Pollution. Englewood Cliffs, New Jersey: Prentice-Hall, 1972.

Armstrong, Terry R., ed. Why Do We Still Have an Ecological Crisis? Englewood Cliffs, New Jersey: Prentice-Hall, 1972.

See especially the article by Arnold W. Reitze entitled "The Law of Pollution Control" on pages 76-88.

Baldwin, Malcolm F. and James K. Page, Jr., eds. Law and the Environment. A Conservation Foundation Publication. New York: Walker, 1970.

Consists of papers presented at a conference sponsored by the Conservation Foundation and the Conservation and Research Foundation in September 1969. The case history of the Santa Barbara oil spill of 1969 is the basis for discussion of the questions, techniques, and potential of environmental law. Extensive bibliography is included.

Barros, James and Douglas M. Johnston. International Law of Pollution. New York: The Free Press, 1974.

A collection of research and teaching materials that deals specifically with the international law of pollution prevention and control. Using international agreements and judicial decisions, the book outlines evidence of transnational action taken to date. It also suggests the scope of future developments in the interdependent world community, based on the notion that purely national approaches are too limited. (8 Environmental Science and Technology 472, May 1974)

Baumol, William J. Environmental Protection, International Spillovers and Trade. Stockholm: Almqvist and Wiksell, 1971.

Breecher, Joseph J. and Manuel E. Nestle. Environmental Law Handbook. Berkeley, California: California Continuing Education of the Bar, 1970.

This survey of the environmental field presents some legislative solutions to the problems. Chapter 6 is devoted to air pollution. Bibliography is included.

Cairns, John, Jr., ed. The Environment: Cost, Conflicts, and Action. Proceedings of the 1972 conference at Virginia Polytechnic Institute and State University sponsored by the U.S. Environmental Protection Agency. New York: Marcel Dekker, 1974.

Chanlett, Emil T. Environmental Protection. Water Resources and Environment Engineering Series. New York: McGraw-Hill, 1973.

Chant, D. A. Pollution Probe. Dexter, Michigan: The New Press, 1970.

Conner, J. Richard and Edna Loehman, eds. Economics and Decision Making for Environmental Quality. Gainesville, Florida: University of Florida Press, 1974.

Cooley, Richard A. and Geoffrey Wandesforde-Smith, eds. Congress and the Environment. Seattle, Washington: University of Washington Press, 1970.

Davies, J. Clarence. The Politics of Pollution. Studies in Contemporary Politics Series. Indianapolis, Indiana: Pegasus, 1970.

A discussion of the political process and its role in the shaping of the nation's environment. A complete review of this book can be found in the Natural Resources Journal, Vol. 11, April 1971.

Day, John A., comp. Dimensions of the Environmental Crisis. New York: Wiley, 1971.

Pages 158-186 deal specifically with environmental law and pollution problems.

DeBell, Garett, ed. The Environmental Handbook. New York: Ballantine Books, 1970.

Prepared for the first national environmental teach-in, this handbook brings together students, scientists, writers and other groups to focus on major problems and suggests programs for community action.

Degler, Stanley E. Federal Pollution Control Programs: Water, Air, and Solid Wastes. Rev. ed. BNA's Environmental Management Series. Washington, D.C.: Bureau of National Affairs, 1971.

Denning, Dan. Emerging Growth Policies; Total Environment Considerations. 18-page pamphlet. Washington, D.C.: U.S. Chamber of Commerce, 1973.

This paper discusses some of the provisions of these legislative efforts--air pollution, water pollution, etc.--in terms of their effects upon our total environment and quality of life. It is increasingly apparent that our quality of life is being affected, possibly adversely in the long run, by newly awakened legislative concern for our natural environment. (43 Vertical File Index 6, March 1974)

Douglas, Donald G. and John R. Stewart, eds. The Vanishing Landscape: A Collection of Critical Essays on Pollution and Environmental Control. Contemporary Issues Series. Skokie, Illinois: National Textbook Co., 1970.

Ducsik, Dennis W., ed. Power, Pollution and Public Policy. MIT Student Projects Series. Cambridge, Massachusetts: MIT Press, 1972.

Durning, Marvin B. Legal Control of the Environment. Criminal Law and Urban Problems Course Handbook Series, No. 42. New York: Practising Law Institute, 1973.

Dworsky, Leonard B., comp. Pollution. New York: Chelsea House, 1971.

A history of pollution and pollution legislation in the United States. This is one volume of a five-volume set entitled Conservation in the United States: A Documentary History.

Elder, James Rex. Law, Pollution, and the Environment; A View of Pollution Control in Texas. Prepared under the direction of the Committee on Laws Pertaining to Pollution of the State Bar of Texas. Austin, Texas: State Bar of Texas, 1970.

Environment Abstracts. New York: Environment Information Center, 1970--, monthly.

Formerly titled Environment Information ACCESS, it began its new title in January 1974. Information is selected from more than 2,000 scientific, technical, trade, professional and general periodicals. It is divided into three parts: (1) a Review Section which contains abstracts of documents, categorized according to 21 review classifications; (2) an Index Section which lists and cross references abstracts by specific keywords; and (3) a Retrieval Section which enables readers to order full transcripts of abstracted documents.

The Environment Index: An Annual Guide to the Key Environment Literature of the Year. New York: Environment Information Center, 1971--.

This index consists primarily of the cumulative indices (Subject, Industry, Author, and Accession number) from issues of Environment Abstracts.

Environment Regulation Handbook. Industrial Pollution Law Series. New York: Environment Information Center, 1973--, (looseleaf).

Environment Reporter. Washington, D.C.: Bureau of National Affairs, 1970--, (looseleaf).

The contents consist of 8 topics located in 10 binders, as follows: (1) Current Developments, (2) Monographs, (3) Decisions, (4) Federal Laws, (5) Federal Regulations, (6) State Air Laws, (7) State Water Laws, and (8) State Solid Waste -- Land Use.

Environmental Law. Portland, Oregon: Lewis and Clark College, 1970--.

Published three times a year by students of the Northwestern School of Law of Lewis and Clark College. The articles are devoted primarily to the problems of man and his environment with emphasis on workable solutions. Both legal and scientific articles are included.

The Environmental Law Reporter. Washington, D.C.: Environmental Law Institute, 1971--, (looseleaf), monthly.

The contents are divided into five categories: (1) Summary and Comments, (2) Litigation, (3) Administrative Proceedings, (4) Statutory and Administrative Materials, and (5) Articles and Notes.

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Garvey, Gerald. Energy, Ecology, Economy. New Jersey: Princeton University Press, 1972.

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A collection of essays prepared as a result of a study by the Legislative Drafting Research Fund of Columbia University. For a critical review of this book written by Louis L. Jaffe, Professor of Law at Harvard University, refer to 72 Columbia Law Review 212, January 1972.

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Hargrove, John Lawrence, ed. Papers and Analysis of the Proceedings of the Conference on Legal and Institutional Responses to Problems of the Global Environment. Dobbs Ferry, New York: Oceana Publications, 1972.

Haskell, Elizabeth H. and Victoria S. Price. State Environmental Management: Case Studies of Nine States. New York: Praeger, 1973.

Hassett, C. M., ed. Environmental Law. Institute of Continuing Legal Education. Ann Arbor, Michigan: University of Michigan, 1971.

Hazard, Leland. Law and the Changing Environment. San Francisco, California: Holden-Day, 1971.

Hodges, Laurent. Environmental Pollution; A Survey Emphasizing Physical and Chemical Principles. New York: Holt, Rinehart, and Winston, 1973.

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Hurley, William D. Environmental Legislation. Springfield, Illinois: C. C. Thomas, 1971.

Jaffe, Louis Leventhal and Laurence H. Tribe. Environmental Protection. Chicago, Illinois: Bracton Press, 1971.

For a review of this book refer to American Business Law Journal 2, Spring 1973.

Kerbec, Matthew J., ed. Your Government and the Environment: An Annual Reference, Vol. I. Arlington, Virginia: Output Systems Corp., 1971.

_____. Your Government and the Environment: An Environmental Digest, Vol. III, 1973-74. Arlington, Virginia: Output Systems Corp., 1973.

Knowles, K. E., ed. Pollution Engineering Techniques. Ann Arbor, Michigan: Ann Arbor Science, 1974.

Covers air, water, and noise pollution, as well as other facets of pollution. Included are discussions on the legal phases of pollution.

Landau, Norman J. and Paul D. Rheingold. The Environmental Law Handbook. New York: Ballantine Books. 1971.

Two specialists in the legal aspects of the problem have created a useful guide showing how to control and end activities which add to the amount of pollution. They give a step-by-step analysis of every facet and include reviews of relevant cases to illustrate proper procedures, plus a summary of existing laws and regulations governing pollution. There is a glossary and a list of suggested readings.

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McCamy, James L. The Quality of the Environment. New York: The Free Press, 1972.

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Rathlesberger, James, ed. Nixon and the Environment; The Politics of Devastation. New York: The Village Voice/ Tauraus Communications, Inc., 1972.

A collection of 13 essays serving as a report from the League of Conservation Voters, "a national, nonpartisan campaign committee which works in close cooperation with the Environmental Policy Center and other major conservation organizations." See especially "Air Pollution" by James Miller on pages 9-29 and "Water Pollution" by David Zwick on pages 30-58.

Reitze, Arnold W., Jr. Environmental Law, Vol. 1. Washington, D.C.: North American International, 1971.

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_____. Environmental Planning: Law of Land and Resources. Washington, D.C.: North American International, 1974.

Roelofs, Robert T., Joseph N. Crowley and Donald L. Hardesty, eds. Environment and Society: A Book of Readings on Environmental Policy, Attitudes and Values. Englewood Cliffs, New Jersey: Prentice-Hall, 1974.

Roslansky, J., ed. Control of the Environment. Nobel Conference Lectures Series. New York: The Fleet Press, 1971.

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Sax, Joseph L. Defending the Environment; A Strategy for Citizen Action. New York: Knopf, 1971.

Schwartz, Mortimer. Environmental Law: An Information Guide. Man and the Environment Series. Detroit, Michigan: Gale Research Co., 1973.

Selig, Edward I. Effluent Changes on Air and Water Pollution: A Conference Report. Summary of proceedings with reporter's notes. Environmental Law Institute Monograph Series, No. 1. Washington, D.C.: Environmental Law Institute, 1973.

Shaheen, Esber I. Environmental Pollution: Awareness and Control. Mahomet, Illinois: Engineering Technology Inc., 1974.

The predicament of environmental pollution; air pollutants and their effects on human health, animal health and plants; air pollution control; water pollution control; oil pollution, impact and abatement; solid waste; noise pollution. Includes bibliographies.

Sherrod, H. Floyd, ed. Environment Law Review. Albany, New York: Sage Hill Pub., 1970--.

An annual compilation of environment articles from law journals. The first edition in 1970 contained material published in early 1970 and in 1969 and small articles of special significance which appeared in periodicals of 1968.

Sloan, Irving, J. Environment and the Law. Legal Almanac Series, No. 65. Dobbs Ferry, New York: Oceana, 1971.

Stone, Christopher D. Should Trees Have Standing? Toward Legal Rights for Natural Objects. Los Altos, California: W. Kaufmann, 1973.

Law Professor Stone contends that people should be able to bring suits on behalf of the environment. The author's line of reasoning of nature's possession of legal rights has been cited by Supreme Court Associate Justice William O. Douglas in a decision involving the Mineral King development in California by Walt Disney Productions.

Teclaff, Ludwik A. and Albert E. Utton, eds. International Environmental Law. New York: Praeger, 1974.

Texas. Legislature. Senate. Interim Committee on Pipeline Study. Pollution vs. the People: An Analysis of the Performance of Texas State Agencies in Protecting the Environment. A joint report of the Interim Committees on Pipeline Study and Beaches. Austin, Texas, 1971.

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_____. EPA Reports Bibliography; A Listing of EPA Reports Available from the National Technical Information Service as of April 1973. Washington, D.C.: U.S. Government Printing Office, 1973.

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_____. Toward a New Environmental Ethnic. 24-page pamphlet. Washington, D.C.: U.S. Government Printing Office, 1971.

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AIR POLLUTION

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The authors attack the destruction of the earth's water resources. Using Texas, California and New York City as illustrations, they talk of that strange breed of planner who, rather than correct existing ills, creates new ones. Showing concern for neither the pollution nor the waste of water in metropolitan and farming areas, he works to build dams and aqueducts to haul in more pure water so it too can be wasted or polluted.

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The report was undertaken to ascertain the legal theories under which pollution of groundwater is policed in Rhode Island. A study of that law indicated that the underlying legal theory is uncertain, so the author went on to suggest his own view of the situation--and to suggest a legal theory which would preserve the quality of the State's groundwater resources. The enforcement of present laws relating to such pollution was also studied in the field and through state records. The enforcement process was found ad hoc and not concerned with the upgrading and preservation of water quality. (72 Government Reports Announcements, March 25, 1972, 104.)

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The programs and statutory responsibilities of more than 40 Federal agencies are described. These summaries were written as a result of the National Water Commission hearings held in the fall of 1969 in order to identify and clarify the myriad of water and water-related programs and lawa administered by agencies and department of the Federal Government. Included in one part of the book, water quality is the object of regulatory programs and programs that control and prevent pollution. These summaries present the statutory and program provisions in force as of the end of 1972. See also the companion volume edited by Dewsnup and Jensen entitled A Summary-Digest of State Water Laws. Depository Library Item No. 1089 and entry No. 29413 in the Monthly Catalog of U.S. Government Publications for September 1973.

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These summaries were prepared by the staff of the U.S. National Water Commission as background for the Commission's work under the National Water Commission Act. The statutory and program provisions in force as of the end of 1972 were included. Part I consists of a general survey of state water law doctrines and institutions and Part II discusses the water laws of each state. See also the companion volume edited by DeWeerdt and Glick entitled A Summary-Digest of the Federal Water Laws and Programs. Depository Library Item No. 1089 and entry No. 30576 in the Monthly Catalog of U.S. Government Publications for October 1973.

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